SANITARY LEGISLATION.

COURT DECISIONS.

CONNECTICUT SUPREME COURT OF ERRORS.

Workmen's Compensation Law—Erysipelas Following Frostbite—Compensation Awarded.

LARKE *v.* JOHN HANCOCK MUTUAL LIFE INSURANCE CO. et al. (Apr. 19, 1916.)

The deceased was an insurance solicitor, and his death was caused by erysipelas which developed after frostbite. The compensation commissioner found that the injury arose "in the course of and out of his employment" and the court affirmed an award to his widow.

The court did not decide the question whether or not occupational diseases were included within the terms of the Connecticut workmen's compensation law, holding that the injury in this case was the result of an "accident."

This was a proceeding under the Connecticut workmen's compensation law for the death of the plaintiff's husband, who had been employed by the defendant. His duties were to solicit insurance and to collect insurance premiums.

The compensation commissioner found the following facts:

[97 Atlantic Reporter, 320.]

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"Prior to February 26 Larke was of good health and of rugged physique. February 26 was an unusually cold day. About 5.45 a. m. of that day Larke left his home and drove 15 or 20 miles in the regular course of his employment, and during this time suffered a personal injury, viz, the freezing of his nose and the tissues adjacent thereto, which produced a lesion of the skin and surface tissues of the area adjacent thereto. As a direct result of these injuries he contracted erysipelas, from which he died. His injuries were not due to any serious or willful misconduct, nor to intoxication, but arose out of and in the course of his employment.

"From the award made the respondents appealed to the superior court, and from its judgment dismissing the appeal, the appeal to this court is taken."

WHEELER, J.:

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"The first question for decision is whether the frostbite of the decedent was a personal injury 'arising in the course of and out of his employment.' The suggestion was made in argument, although not greatly pressed, that personal injury under our statute refers merely to accidental injury. The case does not at this time require us to pass upon the question whether the term personal injury in our act includes disease as well as accident. Upon all authority, if it refers merely to accident, it must include the consequences of the accident, whether a development of the injury from the derangement of the physical structure of the body or of a disease from the accident. The finding shows that the unusual exposure of the employment of the decedent to the weather caused a frostbite producing lesions of the face through

which the germ erysipelas entered and the disease erysipelas developed. We think the lesion, whether produced by a frostbite or a blow, must be held to be a personal injury within the act. In either case the injury would be the result of an untoward mishap. If the term 'personal injury' be given its narrowest construction and confined to injuries of accidental origin, it must be held to include any form of bodily harm or incapacity, whether arising by direct contact, or lesion caused by external violence or physical force, or untoward mishap. (Canada Cement Co. *v.* Pazuk, 22 Que. K. B., 432, 7 N. C. & C., 982; Sheerin *v.* Clayton & Co. [1910], 44 Ir. L. T., 52, 3 B. W. C. C., 583; Ismay I. & Co. *v.* Williamson, 99 L. T. R., 595 [1909], A. C., 437.)

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"Erysipelas developed from the frostbite; the finding on this point is conclusive. If the primary injury arises out of the employment, every consequence which flows from it likewise arises out of the employment. The chain of causation may not be broken. Every injurious consequence flowing from it is a part of this chain. It is immaterial that erysipelas does not ordinarily result from frostbite; it is enough if in this instance it be caused by it. All physical consequences and disease result from an injury when there is a causal connection between them. (Sponatski's case, 220 Mass., 526; 108 N. E., 466, Pub. Health Rep., Reprint No. 342, p. 78; Burns' case, 218 Mass., 8; 105 N. E., 601; Hurle's case, 217 Mass., 223; 104 N. E., 336; Pub. Health Rep., Reprint No. 342, p. 74.) For all such which arise in the course of and out of one's employment, and not in consequence of one's own willful and serious misconduct or intoxication (part B, sec. 1), the act gives the right to compensation.

"There is no error. The other judges concurred."

OREGON SUPREME COURT.

Venereal Diseases—Advertisements Regarding Cure—Oregon Law Constitutional.

STATE *v.* HOLLINSHEAD. (Sept. 21, 1915.)

An Oregon law prohibited the publication of advertisements regarding medicines for the cure of venereal diseases or intended to imply that the advertiser could cure such diseases. The Supreme Court of Oregon decided that the law was constitutional.

Edwin Hollinshead was indicted for the violation of section 2095 L. O. L. as amended by the Oregon Legislature in 1913 (Laws 1913, p. 496), which reads as follows:

Any person who shall advertise or publish any advertisement intended to imply or to be understood that he will restore manly vigor, treat or cure lost manhood, lost power, stricture, gonorrhea, chronic discharges, gleet, varicocele, or syphilis, or any person who shall advertise any medicine, medical preparation, remedy, or prescription for any of the ailments or diseases enumerated in this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for a period of not less than 6 months nor more than 12 months, or by both such fine and imprisonment. Any owner or managing officer of any newspaper in whose paper shall be printed or published any such advertisement as is described in this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000 or by imprisonment in the county jail for a period of not less than 6 months or more than 12 months, or by both such fine and imprisonment.

[77 Oregon Reports, 473; 151 Pacific Reporter, 710.]

BENSON, J.:

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The next point presented is that the act is unconstitutional and void, in that it is class legislation, and is a violation of the constitutional guaranty of equal protection of the law. This may well be considered in connection with the final proposition that the act is void because it is not within the legitimate scope of the police power of the State and is a violation of the constitutional provision that no person shall be deprived of life, liberty, or property without due process of law.

For many years it has been recognized by publicists and legislators that some drastic action is necessary to check certain social evils and to protect youthful and inexpe-